

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PIONEER TELEPHONE SERVICES, INC.,)

)

Plaintiff,)

)

v.)

CASE NO. 2:06-cv-377-WKW

)

AUTO-OWNERS INSURANCE)

COMPANY,)

)

Defendant.)

MOTION FOR EXTENSION OF PRETRIAL DEADLINES

Comes now the Plaintiff in the above styled cause and moves this court for an extension of certain deadlines set out in this court's Order On Pretrial Hearing issued today (Doc. # 38). As grounds for said motion the Plaintiff would state as follows;

1. On June 6, 2006 this court entered its Uniform Scheduling Order in this matter. (Doc.#6). In said Order, the court ordered that, among other things, objections to exhibits and tangible evidence designated by opposing parties, deposition excerpt designations for use at trial, voir dire questions, proposed jury instructions and Motions in Limine were to be submitted 15 days prior to the trial date of July 23, 2007. This made all of the above submissions due on July 9, 2007.

2. At the Pretrial Conference held before this court on June 11, 2007 Counsel for the Defendant requested that this court set the trial of this matter for July 30, 2007 during the second week of this court's two week trial term. The Court indicated this would be

acceptable assuming the Plaintiff had no conflicts with its expert's availability for the week of July 30, 2007. Counsel for the Plaintiff informed the court on June 12, 2007 that Plaintiff had no objection to this special setting.

3. Counsel for the Plaintiff was under the impression that the court had thereby reset this trial for the 30th of July. It was the assumption of counsel for the Plaintiff that based on the special setting of this trial for the July 30th trial date, the deadlines for submissions of objections to exhibits and tangible evidence designated by opposing parties, objections to deposition excerpt designations to be used at trial, voir dire questions, proposed jury instructions and Motions in Limine would be adjusted accordingly so that all of the above would be due on or before July 16, 2007.

4. Counsel for the Plaintiff has had scheduled for several months a family vacation from June 29th through July 8th of this year. Counsel for the Plaintiff is now faced with the need to cut short or cancel his family vacation in order to comply with the deadlines set out above. Counsel certainly acknowledges that the most prudent approach in trial preparation would include preparing all of the above pleadings well in advance of the due date such that counsel would never interfere with his own plans. However, the undersigned operated under the assumption that another week would be allowed to prepare and file these pleadings due to the specially set trial date.

5. Counsel for the Plaintiff would ask this court to modify its order from earlier today (Doc.#38) and allow the parties until July 16, 2007 to file objections to exhibits and tangible evidence designated by opposing parties, objections to deposition excerpt designations to be used at trial, voir dire questions, proposed jury instructions and Motions in Limine.

6. Counsel for the Plaintiff has conferred with counsel for the Defendant and the Defendant has no objection to the Court granting the relief requested in this Motion.

Wherefore, premises considered, the Plaintiff moves this honorable court to extend the deadlines set in its Order On Pretrial Hearing such that submissions of objections to exhibits and tangible evidence designated by opposing parties, objections to deposition excerpt designations to be used at trial, voir dire questions, proposed jury instructions and Motions in Limine would be due from both parties on or before July 16, 2007 together with any other relief this court deems necessary.

Respectfully submitted,

s/ Harry P. Hall, II
Harry P. Hall, II (HAL053)
Attorney for Plaintiff

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the foregoing upon the following individual(s) by electronic means or by U.S. Mail postage prepaid and properly addressed on this the 27th day of June, 2007.

Roger Morrow
Joel H. Pearson
P.O. Box 4804
Montgomery, Alabama 36103-44804

s/ Harry P. Hall, II
Of Counsel